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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/656,896

09/07/2000

Oliver Hericourt

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2212

33233

7590

03/10/2005

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EXAMINER

LE, HIEU C

ART UNIT

PAPER NUMBER

2142

DATE MAILED: 03/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/656,896

Applicant(s)

HERICOURT ET AL.

Examiner

Hieu c. Le

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-44 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4, 7-9, 14-20, 23-34 and 37-44 is/are rejected.
- 7) ☒ Claim(s) 5-6, 10-13, 21-22, 35-36, 38-41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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1. The amendment filed 1/18/05 have been entered and made of record.
2. In response to Applicant's amendment filed 1/18/04, the 35 U.S.C 112, 2<sup>nd</sup> is withdrawn.
3. The Applicant's argument filed 1/18/05 have been fully considered but they are not persuasive for the following reasons:

As claims 1 & 31, Applicant alleges that "determining whether a virus-free certificate satisfies said virus-free certificate requirements [,]" (p. 14, lines 11-23). The Examiner disagrees. Waldin discloses an authentication module to examine the authenticity of the digital signature (virus free certificate) by calculating a message digest (virus free certificate requirement) and compares it with the decoded message digest to determine whether the digital signature (virus free certificate) satisfies a virus free certificate requirement (col. 6, lines 51-65).

***Claim Rejections - 35 U.S.C. § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

**A person shall be entitled to a patent unless -**

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351 (a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1-4, 9, 14-20, 23, 27-34, 37, 42-44 are rejected under 35 U.S.C. 102(e) as anticipated by Waldin et al ( US Patent 6,094,731 ).

As to claim 1, Waldin discloses a method a method, for use in a client system for downloading from a fileserver, a file and an associated virus-free certificate certifying that the file is virus-free, comprising the steps of:

sending a request to a file server for a virus-free certificate associated with a file to download from said file server, said request comprising one or a plurality of requirements for said virus-free certificate [ A recipient computer 11, receives a file and digital signature attached to the file to certify that the file is virus free (col. 5; lines 28-50, fig. 4). The step of sending a request to the sending computer (server) is inherent because the recipient computer has to send a request to the sending server to request the file and digital signature (certificate) are move to computer 11(recipient computer) i.e. downloaded, an antivirus product such as Norton Anti Virus (one requirement) is run on the file (col. 3, lines 57-61) to insure it is virus free].

determining whether a virus-free certificate satisfies said virus-free certificate requirements [an authentication module to examine the authenticity of the digital signature (virus free certificate) by calculating a message digest (virus free certificate requirement) and compares it with the decoded message digest to determine whether the digital signature (virus free certificate) satisfies a virus free certificate requirement (col. 6, lines 51-65)].

downloading the file and the associated virus-free certificate, said virus-free certificate comprising a file signature for certifying that the file is declared virus-free by a virus-free certificate authority [ Fig. 4, step 60 shows that the file and the attached

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signature is moved to recipient computer 11 i.e. downloaded, the virus free certificate is certified by a certificate authority (col. 4, lines 37-42].

As to claim 2, Waldin further discloses wherein the one or plurality of virus free certificate requirements comprises:

a list of one or a plurality of anti virus programs that must have been executed on the file to download [ a Norton Antivirus program (at least one) is run on the file before downloading it (col. 3, lines 57-61)].

As to claim 3, Waldin further discloses wherein the one or plurality of anti-virus requirements further comprise:

a list of one of a plurality of virus-free certificate authorities to which the issuer of the virus-free certificate must belong [ A certification authority (at least one) authenticates the virus free signature (certificate) col. 4, lines 37-42 ].

As to claim 4, Waldin further discloses wherein the one or plurality of anti-virus requirements further comprise:

a virus-free certificate type [ version number of anti virus scan module ( a virus free certificate type) (col. 4, lines 66-67)].

As to claim 7, Waldin further discloses a client system [ Fig. 1, recipient computer (client system) to carry out claim 1].

As to claim 9, refer to claim 1 rejection. Furthermore, Waldin discloses receiving a request from a client system for a virus-free certificate associate with a file to download to the client system (col. 5, lines 28-50, fig. 4).

As to claim 19, refer to claim 3 rejection.

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As to claim 20, refer to claim 4 rejection.

As to claim 23, refer to claim 7 rejection.

As to claim 14, refer to claim 2 rejection.

As to claim 15, refer to claim 3 rejection.

As to claim 16, refer to claim 4 rejection.

As to claim 17, refer to claim 17 rejection.

As to claim 27, refer to claim 2 rejection.

As to claim 28, refer to claim 3 rejection.

As to claim 29, refer to claim 2 rejection.

As to claim 30, Waldin further discloses a file server system [ Fig. 1 , server computer 2].

As to claim 31, refer to claim 1 rejection. Waldin further discloses a computer program [Fig. 1].

As to claim 32, refer to claim 2 rejection.

As to claim 33, refer to claim 3 rejection.

As to claim 34, refer to claim 4 rejection.

As to claim 37, refer to claim 9 rejection. Waldin further discloses a computer program [Fig. 1].

As to claim 42, refer to claim 2 rejection.

As to claim 43, refer to claim 3 rejection.

As to claim 44, refer to claim 4 rejection.

***Allowable Subject Matter***

6. Claims 5-6,10-13,21-22, 24-26, 35-36,38-41 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.


7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hieu Le whose telephone number is (571) 272-3897. The examiner can normally be reached on Monday to Friday from 7:30 AM to 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Harvey, can be reached on (571) 272-3896. The fax phone number for this Group is (703) 872-9306.

  
JACK B. HARVEY  
SUPERVISOR/ART UNIT EXAMINER